

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SPABO ICE CREAM CORP. d/b/a

MISTER SOFTEE and

MISTER SOFTEE, INC.

Plaintiffs,

v.

**E. PIEDAD RIVERA d/b/a MISTER SOFTEE
ET AL.**

Defendants.

**CIVIL ACTION NO.
1:07-cv-08628-PAC**

**REQUEST FOR CERTIFICATE OF DEFAULT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 55(a)**

TO THE CLERK:

Pursuant to Federal Rule of Civil Procedure 55(a), plaintiffs request that the clerk enter a default on the docket against defendant Jorge H. Verdugo for failure to answer or otherwise respond to the verified complaint within the time prescribed by Federal Rule of Civil Procedure 12(a)(1)(A). Plaintiffs' affidavit in support of request for default is attached.

EINBINDER AND DUNN, LLP

BY: _____

Michael Einbinder
104 W. 40th Street, 20th Floor
New York, NY 10018
Attorneys for Plaintiffs Spabo, Inc.
and Mister Softee, Inc.

Date: November 29, 2007

CERTIFICATE OF SERVICE

I, Michael Einbinder, certify that I have this day caused a true and correct copy of the below described pleading or motion to be served upon defendant at the address listed below:

Pleading or Motion served:

Request for Default Pursuant to Federal Rule of Civil Procedure 55(a) and Plaintiffs' Affidavit in Support of the Request for Default

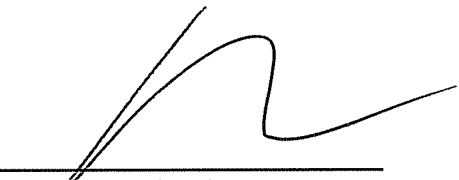
Defendant:

Jorge H. Verdugo
944 Phoenix Avenue, 2nd floor
Peekskill, NY 10566

Mode of Service:

Via first class mail

Date: November 29, 2007



Michael Einbinder